

REMARKS

Reconsideration and reversal of the rejections expressed in the Office Action of June 16, 2005 are respectfully requested in view of the following remarks and the application as amended. The present invention relates to an ophthalmic fluid for topical application to a contact lens, wherein the ophthalmic fluid is arranged in use to provide a protective film intermediate a lipid layer of a tear film of an ocular substrate and a contact lens, the ophthalmic fluid including at least one specific glyceride.

Claims 7-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ding et al., U.S. Patent No. 5,981,607. The Office Action states, inter alia, that the reference differs from the claimed invention in the addition of fatty acids to a contact lens, and then placing the contact lens in the eye as a protective film, and that it would have been obvious to use different means of administration for an ophthalmic product.

Enclosed with this Response is a Declaration under 37 CFR 1.132 by the inventor of the present invention. As explained in the Declaration, in Ding et al., each droplet of triglyceride will be surrounded by adsorbed surfactants. This leads to repulsion between the droplets in the emulsion, preventing the droplets from spreading out into a uniform layer. Note that the present invention is directed to treating Contact Lens Intolerance (CLI), whereas Ding et al. is concerned with treatment of KCS (Kerato Conjunctivitis Sicca). Based on the discussion in the enclosed Declaration, a lipid monolayer cannot form in the presence of the surfactants polysorbate 80 and Pemulen®, and the disclosure of Ding et al. would be inoperative for purposes of the presently claimed invention. Therefore, there is no teaching, suggestion or motivation in Ding et al. to adopt the method of the present invention as claimed, and this rejection is overcome.

For all of the above reasons, it is respectfully contended that the solicited claims define patentable subject matter. Reconsideration and reversal of the rejections expressed in the Office Action of June 16, 2005 are respectfully requested. The Examiner is invited to call the undersigned if any questions arise during the course of reconsideration of this matter.

Respectfully submitted,

Dated: 10/17/05

Richard A. Paikoff
Richard A. Paikoff
Registration No. 34,892
Duane Morris LLP
30 South 17th Street
Philadelphia, PA 19103-4196
Telephone: 215-979-1853
mailto: rapaikoff@duanemorris.com

PH1\1492606.1